

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:172. Deer hunting seasons, zones, and requirements.

RELATES TO: KRS 150.010, 150.177, 150.180, 150.411(3), 150.990, 237.110

STATUTORY AUTHORITY: KRS 150.025(1), 150.170, 150.175, 150.390(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.170 authorizes exemptions for certain people from hunting license and permit requirements. KRS 150.175 authorizes the kinds of licenses and permits to be issued by the department. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or Title 301 KAR. This administrative regulation establishes deer hunting seasons and zones, legal methods of taking, and checking and recording requirements for deer hunting.

Section 1. Definitions. (1) ~~["Additional deer permit" means a permit that allows the holder to take up to two (2) additional deer beyond those allowed by the statewide permit in the following combinations:~~

~~(a) One (1) antlered deer and one (1) antlerless deer; or~~

~~(b) Two (2) antlerless deer.~~

~~(2)] "Adult" means a person who is at least eighteen (18) years of age.~~

~~(2)[(3)] "Air gun" means a pneumatic gun fired by a charge of compressed air.~~

~~(3)[(4)] "Antlered deer" means a male or female deer, excluding male fawns, with a visible antler protruding above the hairline.~~

~~(4)[(5)] "Antlerless deer" means a male or female deer with no visible antler protruding above the hairline.~~

~~(5)[(6)] "Archery equipment" means a long bow, recurve bow, or compound bow incapable of holding an arrow at full or partial draw without aid from the archer.~~

~~(6)[(7)] "Arrow" means the projectile fired from a bow or crossbow.~~

~~(7)[(8)] "Centerfire" means a type of gun that detonates a cartridge by the firing pin striking a primer in the middle of the end of the cartridge casing.~~

~~(8)[(9)] "Crossbow" means a bow with a string designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.~~

~~(9)[(10)] "Deer" means a member of the species *Odocoileus virginianus*.~~

~~(10) "Deer management permit" means a permit that allows the holder to take up to fifteen (15) additional deer beyond those allowed by the statewide permit in the following combinations:~~

~~(a) One (1) antlered deer and no more than fourteen (14) antlerless deer; or~~

~~(b) No more than fifteen (15) antlerless deer.~~

~~(11) "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.~~

~~(12) "License year" means the period from March 1 through the ~~[following]~~ last day of February.~~

~~(13) "Modern gun" means an air gun, rifle, handgun, or shotgun that is loaded from the rear of the barrel.~~

~~(14) "Muzzle-loading gun" means a rifle, shotgun, or handgun that is loaded from the discharging end of the barrel or discharging end of the cylinder.~~

(15) "Novice deer hunter" means a person who has not harvested more than two (2) deer in Kentucky in the last ten (10) years.

(16) "Special deer hunt" means a department-sponsored one (1) or two (2) day deer hunt on private land that allows novice deer hunters to use a modern gun outside of modern gun deer season.

(17)[(46)] "Statewide deer hunting requirements" means the season dates, zone descriptions, bag limits, and other requirements for deer hunting established in this administrative regulation.

(18) "Statewide deer permit" means a permit, which, in conjunction with appropriate licenses, seasons, and methods, allows the holder to take:

- (a) One (1) antlered deer and no more than three (3)[one (1)] antlerless deer; or
- (b) No more than four (4)[Two (2)] antlerless deer.

(19)[(47)] "Youth" means a person under the age of sixteen (16) by the date of the hunt.

(20) "Youth deer permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows the holder to take:

- (a) One (1) antlered deer and no more than three (3) antlerless deer; or
- (b) No more than four (4) antlerless deer.

(21)[(48)] "Zone" means an area consisting of counties designated by the department within which deer hunting season dates and limits are set for the management and conservation of deer in Kentucky.

Section 2. License and Deer Permit Requirements. (1) Unless license exempt, as established in~~exempted by~~ KRS 150.170, a person shall carry proof of purchase of a valid Kentucky hunting license and valid deer permit while hunting.

~~(2) A~~~~[In lieu of a statewide deer permit or a license or permit that grants statewide deer hunting privileges, a person possessing a valid junior statewide hunting license shall not use more than two (2) junior deer hunting permits.~~

~~(3) An additional]~~ deer management permit shall not be valid unless accompanied by a valid Kentucky hunting license and a statewide deer permit or a license or permit that grants statewide deer hunting privileges.

(3) Unless license exempt, as established in KRS 150.170, a youth shall carry proof of purchase of a valid Kentucky youth hunting license and a valid youth deer permit while hunting.

Section 3. Hunter Restrictions. (1) A deer hunter shall not:

- (a) Take a deer except during daylight hours;
- (b) Use dogs, except leashed tracking dogs to recover a wounded deer;
- (c) Take a deer that is swimming;
- (d) From a vehicle, boat, or on horseback, take a deer, except that a hunter with a disabled hunting exemption permit issued by the department may use a stationary vehicle as a hunting platform; and
- (e) Possess or use a decoy or call powered by electricity from any source.

(2) A person shall only use the equipment established in paragraphs (a) through (e) of this subsection to take a deer:

(a) A crossbow or archery equipment loaded with a broadhead of seven-eighths (7/8) inch or wider upon expansion;

(b) A firearm:

1. With an action that fires a single round of ammunition upon each manipulation of the trigger; and

2. Loaded with centerfire, single projectile ammunition designed to expand upon impact;

- (c) A muzzle-loading gun;
- (d) A shotgun loaded with a shell containing single projectile ammunition designed to expand upon impact; or
- (e) An air gun:
 - 1. Of .35 caliber or larger;
 - 2. Charged by an external tank; and
 - 3. Loaded with single projectile ammunition designed to expand upon impact.
- (3) A person shall only use a weapon that complies with the appropriate season established in Section 5 of this administrative regulation to take a deer.
- (4) A crossbow shall contain a working safety device.
- (5) A person shall not use a magazine capable of holding more than ten (10) rounds to take a deer.

Section 4. Hunter Orange Clothing Requirements. (1) During the modern gun deer season, muzzle-loader season, and any youth gun season, a person hunting any species during daylight hours and any person accompanying a hunter, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest except while hunting waterfowl.

(2) During an elk firearm season, as established in 301 KAR 2:132, a person hunting any species and any person accompanying a hunter within the elk restoration zone, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest, except while hunting waterfowl.

(3) The hunter orange portions of a garment worn to fulfill the requirements of this section:

- (a) May display a small section of another color; and
- (b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any measurement.

(4) A camouflage-pattern hunter orange garment worn without additional solid hunter orange on the head, back, and chest shall not meet the requirements of this section.

Section 5. Statewide Season Dates. (1) A deer hunter may use archery equipment to hunt deer statewide from the first Saturday in September through the third Monday in January.

(2) A deer hunter may take deer with a modern gun statewide beginning the second Saturday in November for[:

~~(a)] sixteen (16) consecutive days[in Zones 1 and 2; and~~

~~(b) Ten (10) consecutive days in Zones 3 and 4].~~

(3) A deer hunter may use a muzzle-loading gun to hunt deer statewide:

- (a) For two (2) consecutive days beginning the third Saturday in October;
- (b) For nine (9) consecutive days beginning the second Saturday in December; and
- (c) During any season in which a modern gun may be used to take deer.

(4) A deer hunter may use a crossbow to hunt deer statewide:

- (a) From October 1 through the end of the third full weekend in October;
- (b) From the second Saturday in November through December 31; and
- (c) During any season in which a gun may be used to take deer.

(5) A legal resident hunter sixty-five (65) years or older may hunt with a crossbow from the first Saturday in September through the third Monday in January.

(6) There shall be a youth gun season[:] for two (2) consecutive days beginning on the second Saturday in October, in which a youth deer hunter[:

~~(a) May take antlered or antlerless deer and shall use a legal method to do so; and~~

~~(b)] shall comply with this administrative regulation and all other statewide deer hunting requirements.~~

(7) There shall be a free youth weekend for two (2) consecutive days beginning on the Saturday after Christmas during which a youth:

(a) Shall not be required to have a hunting license or deer permit; and

(b) ~~May take antlered or antlerless deer and shall use a legal method to do so; and~~

~~(c) Shall comply with this administrative regulation and all other statewide deer hunting requirements.~~

(8) A deer hunter may take antlerless deer with a modern gun in Zone 1 counties for two (2) consecutive days beginning on the last Saturday in September.

Section 6. Zones. (1) Zone 1 shall consist of Anderson, Ballard, Boone, Bracken, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Franklin, Fulton, Gallatin, Grant, Graves, Green, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, Larue, Livingston, Lyon, Marshall, Mason, McClean, McCracken, Mercer, Muhlenberg, Nelson, Oldham, Owen, Pendleton, Robertson, Scott, Shelby, Spencer, Todd, Trigg, Trimble, Union, Washington, Webster, and Woodford Counties.

(2) Zone 2 shall consist of Adair, Allen, Barren, Bath, Bourbon, Boyd, Boyle, Breckinridge, Butler, Carter, Casey, Clark, Daviess, Edmonson, Fayette, Fleming, Grayson, Greenup, Hancock ~~[Hart, Henderson]~~, Jessamine, Lawrence, Lewis, Lincoln, Logan, Madison, Marion, Meade, Metcalf, Monroe, Montgomery ~~[Mason, McLean, Mercer, Muhlenberg]~~, Nicholas, Ohio, Taylor ~~[Todd]~~, and Warren ~~[Union]~~ Counties.

(3) Zone 3 shall consist of ~~[Adair, Allen, Barren, Bath, Boyle, Breckinridge, Butler, Casey, Clark,]~~ Cumberland, ~~[Daviess, Edmondson,]~~ Elliott, Estill, Garrard ~~[Hancock]~~, Johnson, Laurel ~~[Lincoln, Madison, Meade, Metcalf, Monroe, Montgomery]~~, Morgan, Powell, Pulaski, Rowan, Simpson, Wayne ~~[Taylor, Warren]~~, and Wolfe Counties.

(4) Zone 4 shall consist of Bell, Breathitt, Clay, Clinton, Floyd, ~~[Garrard,]~~ Harlan, Jackson, Knott, Knox, ~~[Laurel,]~~ Lee, Leslie, Letcher, Magoffin, Martin, McCreary, Menifee, Owsley, Perry, Pike, ~~[Pulaski,]~~ Rockcastle, Russell, ~~[Wayne,]~~ and Whitley Counties.

Section 7. Season and Zone Limits. (1) A person shall not take more deer than what each zone allows, as established in this Section.

~~(2) [than four (4) deer statewide in a license year except:~~

~~(a) As authorized in 301 KAR 2:111, 2:176, 2:178, and 3:100; and~~

~~(b) A person may take an unlimited number of antlerless deer in Zone 1 [if the person has purchased the appropriate additional deer permits].~~

~~(3) [(2)] A person shall not take more than one (1) antlered deer per license year, regardless of the permit type used, except as established in 301 KAR 2:111, 2:178, and 3:100.~~

(4) A person may take a total of four (4) deer in Zone 2.

(5) [(3)] In Zone 3, a person may take up to a total of four (4) [two (2)] deer, except that a fire-arm or air gun shall not be used to take a total of more than one (1) antlerless deer [with a gun].

(6) [(4)] In Zone 4, a person may take one antlerless deer, but only during:

(a) Archery season;

(b) Crossbow season;

(c) Any youth weekend; or

(d) The last three (3) days of the December muzzleloader season.

(7) A person shall purchase a deer management permit in order to harvest more than four (4) deer [Only two (2) deer with a gun; and

(b) Only antlered deer during:

1. Modern gun season;

2. Early muzzleloader season; and

~~3. The first six (6) days of the December muzzleloader season.~~

~~(5) The aggregate bag limit for Zones, 2, 3, and 4 shall be four (4) deer per hunter].~~

Section 8. Supervision of Youth Gun Deer Hunters. (1) An adult shall:

(a) Accompany a person under sixteen (16) years old; and

(b) Remain in a position to take immediate control of the youth's gun.

(2) An adult accompanying a youth hunter shall not be required to possess a hunting license or deer permit if the adult is not hunting.

Section 9. Harvest Recording. (1) Immediately after taking a deer, and prior to moving the carcass, a person shall record, in writing:

(a) The species taken:

(b) The date taken:

(c) The county where taken; and

(d) The sex of the deer taken on one (1) of the following:

1. The hunter's log section on the reverse side of a license or permit;

2. The hunter's log produced in a hunting guide;

3. A hunter's log printed from the Internet;

4. A hunter's log available from any KDSS agent; or

5. An index or similar card.

(2) The person shall retain and possess the completed hunter's log while the person is in the field during the current hunting season.

Section 10. Checking a Deer. (1) A person shall check a harvested deer before 11:59 p.m. on the day the deer is recovered by:

(a) Calling (800) 245-4263 and providing the requested information; or

(b) Completing the online check-in process at fw.ky.gov.

(2) A person who has checked in a deer shall record the confirmation number on a hunter's log.

(3) If a hunter removes the hide or head of a harvested deer before the deer is checked in, then the hunter shall retain the deer parts established in paragraphs (a) and (b) of this subsection:

(a) For antlered deer, the:

1. Head with antlers; or

2. Testicles, scrotum, or penis attached to the carcass; or

(b) For antlerless deer, the:

1. Head; or

2. Udder or vulva attached to the carcass.

(4) If a hunter transfers possession of a harvested deer, the hunter shall attach to the carcass a hand-made tag that contains the following information:

(a) The confirmation number;

(b) The hunter's name; and

(c) The hunter's telephone number.

(5) A person shall not provide false information while:

(a) Completing the hunter's log;

(b) Checking a deer; or

(c) Creating a carcass tag.

Section 11. Transporting and Processing Deer. (1) A person shall:

- (a) Not transport an unchecked deer out of Kentucky;
- (b) Have proof that a deer or parts of deer brought into Kentucky were legally taken; or
- (c) Not sell deer hides except to a licensed:
 - 1. Fur buyer;
 - 2. Fur processor; or
 - 3. Taxidermist.

(2) A taxidermist or an individual who commercially butchers deer shall not accept a deer carcass or any part of a deer without a valid disposal permit issued by the department pursuant to KRS 150.411(3) or a proper carcass tag as established in Section 10 of this administrative regulation.

(3) An individual who commercially butchers deer shall keep accurate records of the hunter's name, address, confirmation number, and date received for each deer in possession and retain the records for a period of one (1) year.

Section 12. Special Deer Hunt Program. (1) A special deer hunt shall:

(a) Consist of a minimum of ten (10) novice deer hunters selected on a first-come, first-served basis;

(b) Take place on private land with the permission of the landowner;

(c) Be overseen and sponsored by department employees; and

(d) Take place during the archery deer season.

(2) A special deer hunt participant shall possess a valid hunting license and deer permit, except if the participant is license-exempt, as established in KRS 150.170.

Section 13. Antler Traps. A person shall not use a device that is designed to entangle or trap the antlers of a deer.

KAREN WALDROP, Deputy Commissioner

For FRANK JEMLEY, Acting Commissioner

DON PARKINSON, Secretary

APPROVED BY AGENCY: April 11, 2018

FILED WITH LRC: April 12, 2018 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 24, 2018 at 11 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through May 31, 2018. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Mark Cramer, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

Contact Person: Mark Cramer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes deer hunting seasons and zones, methods of take, bag limits, harvest recording procedures, and checking requirements.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to properly manage Kentucky's deer population while providing reasonable and ample recreational opportunity for deer hunters.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish hunting seasons, bag limits, and the methods of taking wildlife. KRS 150.170 exempts certain people from hunting license and permit requirements. KRS 150.175 authorizes the kinds of licenses and permits that are issued by the department. KRS 150.390 prohibits the taking of deer in any manner contrary to any provisions of Chapter 150 and KAR Title 301.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the seasons, zones, limits, and other requirements authorized by the statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment establishes the process for a special deer hunt for novice hunters that allows modern guns to be used outside of the modern gun deer season, modifies the antlerless deer harvest opportunities statewide, modifies many of the county zone designations, modifies the number of deer that are allowed to be taken in the harvest zones, expands hunting opportunities days, prohibits the construction and deployment of antler traps and gives hunters an additional number of deer they can harvest on their hunting permits.

(b) The necessity of the amendment to this administrative regulation: See 1 (b) above.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: For the 2017-18 deer season, there were approximately 257,898 resident and 27,435 non-resident Kentucky deer hunters.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Deer hunters will be required to comply with the change in county zones and the modification of the bag limits in those zones. In addition, it shall now be prohibited for people to deploy or construct a device that entangles deer antlers, commonly referred to as antler traps.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment does not change any costs to the entities identified in question 3.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will benefit hunters by allowing them to harvest more deer under the current permit system, allow for additional days of deer hunting and ultimately provide better consistency on harvest strategies across the state. It also benefits novice hunters who may be in-

terested in participating in a department-sponsored special deer hunt.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will not be an additional cost to the agency to implement this administrative regulation initially.

(b) On a continuing basis: There will not be an additional cost to the agency on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? No, tiering is not applied because all deer hunters are subject to the same seasons, bag limits, zone requirements, and equipment restrictions.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.170, 150.175, and 150.390(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Direct revenue from the sale of deer permits for the first year is estimated to be between \$3.5 and \$4.0 million based on recent years' sales.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Revenue during subsequent years is dependent on the number of permits sold, which has been stable to slightly decreasing in recent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: